

Appendix C: Fixed Price FAR

FEDERAL ACQUISITION REGULATION

If this order is placed under a Government prime contract or a federally-funded subcontract, the following clauses set forth in the Federal Acquisition Regulation (FAR) and the Department of Defense Federal Acquisition Regulation Supplement (DFARS), in effect on the date of this order, are incorporated herein by reference with the same force and effect as if given in full text. Where necessary to make the context of these clauses applicable to this order, the term “contractor” shall mean “seller,” the term “contract” shall mean “this order,” and the terms “Government,” “contracting officer” and equivalent phrases shall mean “buyer.” Seller hereby agrees to flowdown the applicable FAR/DFARS clauses to its lower-tier subcontractors.

FIXED PRICE FAR/DFARS CLAUSES

1. APPLICABLE TO ALL ORDERS

52.202-1 Definitions

52.203-3 Gratuities

52.203-5 Covenant Against Contingent Fees

52.203-6 Restrictions On Subcontractor Sales to the Government

52.203-7 Anti-Kickback Procedures

52.204-2 Security Requirements

52.204-4 Printing/Copying Double-Sided on Recycled Paper

52.211-5 New Material

52.211.15 Defense Priority and Allocation Requirements

52.215-14 Integrity of Unit Prices

52.216-24 Limitation of Government Liability

52.216-25 Contract Definitization

52.222-1 Notice to the Government of Labor Disputes

52.222-4 Contract Work Hours and Safety Standards Act-Overtime Compensation

52.223-3 Hazardous Material Identification...etc.

52.223-13 Certification of Toxic Chemical Release Reporting

52.223-14 Toxic Chemical Release Reporting
52.224-2 Privacy Act
52.225-3 Buy American Act-Supplies
52.225-7 Balance of Payments Program
52.225-11 Restrictions on Certain Foreign Purchases
52.225-13 Notice of Buy American Act, . . . etc.
52.227-3 Patent Indemnity
52.227-6 Royalty Information
52.227-9 Refund of Royalties
52.227-10 Filing of Patent Applications-Classified Subject Matter
52.227-11 Patent Rights-Retention by the Contractor (Short Form)
52.227-12 Patent Rights-Retention by the Contractor (Long Form)
52.227-13 Patent Rights-Acquisition by the Government
52.229-3 Federal, State, and Local Taxes
52.232-1 Payments
52.232-11 Extras
52.233-2 Service of Protest
52.233-3 Protest After Award
52.242-15 Stop-Work Order
52.243-1 Changes-Fixed Price
52.243-7 Notification of Changes
52.244-6 Subcontracts for Commercial Items and Commercial Components
52.245-2 Government Property (Fixed Price Contracts)
52.245-9 Use and Charges
52.245-17 Special Tooling
52.245-18 Special Test Equipment
52.246-1 Contractor Inspection Requirements*
52.249-1 Termination for Convenience of the Government (Fixed Price) Short Form)**
52.249-4 Termination for Convenience of the Government (Service) (Short Form)

*Applicable to procurements not exceeding \$25,000

**Applicable to procurements not exceeding \$100,000

2. APPLICABLE TO ALL ORDERS OVER \$2,500

52.219-6 Notice of Total Small Business Set-Aside
52.222-3 Convict Labor
52.222-36 Affirmative Action for Handicapped Workers
52.225-11 Restrictions on Certain Foreign Purchases

3. APPLICABLE TO ALL ORDERS OVER \$10,000

52.214-26 Audit and Records-Sealed Bidding
52.215-1 Instructions to Offerors-Competitive
52.215-2 Audit-Negotiation
52.222.-20 Walsh-Healy Public Contracts Act
52.222-21 Certification of Nonsegregated Facilities
52.222-26 Equal Opportunity*
52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans
52.222-37 Employment Reports on Special Disabled Veterans...etc.

*Applicable if the aggregate value of buyer awards is in excess of \$10,000 during any 12-month period

4. APPLICABLE TO ALL ORDERS OVER \$25,000

52.203-10 Price or Fee Adjustments for Illegal or Improper Activity
52.209-6 Protecting the Government's Interest...etc.
52.219-8 Utilization of Small Business Concerns...etc.
52.223-5 Pollution Prevention and Right-to-Know
52.223-6 Drug-Free Workplace*
52.227-1 Authorization and Consent
52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement
52.228-5 Insurance-Work on a Government Installation
52.244-5 Competition in Subcontracting
52.246-2 Inspection of Supplies-Fixed Price
52.246-4 Inspection of Services-Fixed Price
52.246-7 Inspection of Research and Development-Fixed Price
52.246-16 Responsibility for Supplies
52.246-23 Limitation of Liability
52.246-24 Limitation of Liability-High Value Items

52.246-25 Limitation of Liability-Services
52.247-63 Preference for U.S. Flag Air Carriers
52.249-8 Default (Fixed Price Supply and Service)
52.249-9 Default (Fixed Price Research and Development)

*Applicable to an individual regardless of the dollar amount of the order

5. APPLICABLE TO ALL ORDERS OVER \$100,000

52.203-8 Cancellation, Recision, and Recovery...etc.
52.203-11 Certification and Disclosure-Regarding Payments to ...
52.203-12 Limitation of Payments to Influence Certain Federal Transactions
52.223-2 Clean Air and Water*
52.225-10 Duty-Free Entry
52.230-3 Disclosure and Consistency of Cost...etc.
52.230-4 Consistency in Cost Accounting Practices
52.248-1 Value Engineering
52.249-2 Termination for Convenience of the Government (Fixed Price)

*Applicable if the procurement is \$100,000 or is expected to exceed \$100,000 in the following 12-month period

**Unless exempt in accordance with FAR-30.201-1(b)

6. APPLICABLE TO ALL ORDERS OVER \$500,000

52.214-27 Price Reduction for Defective Cost or Pricing Data-Modifications (Sealed Bidding)
52.214-28 Subcontractor Cost or Pricing Data-Modifications (Sealed Bidding)
52.215-10 Price Reduction for Defective Cost or Pricing Data
52.215-11 Price Reduction for Defective Cost or Pricing
52.215-12 Subcontractor Cost or Pricing Data
52.215-13 Subcontractor Cost or Pricing Data -Modifications
52.219-9 Small Business and Small Disadvantaged Business Subcontracting Plan*
52.219-16 Liquidated Damages-Small Business Subcontracting Plan*

*Not applicable to small businesses

7. APPLICABLE TO ALL ORDERS OVER \$1,000,000

52.222-28 Equal Opportunity Preaward Clearance of Subcontracts

8. APPLICABLE TO ORDERS AT THE THRESHOLDS SPECIFIED IN THE DFARS CLAUSES

252.203-7001 Special Prohibition on Employment

252.219-7000 Small Disadvantaged Business Concern...etc.

252.223-7004 Drug-Free Work Force

252.225-7000 Buy American Act and Balance of Payments Program

252.225-7002 Qualifying Country Sources as Subcontractors

252.225-7006 Buy American Act-Trade Agreements Act...etc.

252.225-7009 Duty-Free Entry-Qualifying Country...etc.

252.225-7012 Preference for Certain Domestic Commodities

252.225-7014 Preference for Domestic Specialty Metals

252.225-7015 Preference for Domestic Hand or Measuring Tools

252.225-7016 Restriction on Acquisition...etc.

252.227-7013 Rights in Technical Data Noncommercial

252.227-7030 Technical Data-Withholding of Payment

252.246-7001 Warranty of Data

252.247-7023 Transportation of Supplies by Sea

252.251-7000 Ordering From Government Supply Sources